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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,495	10/27/2003	Holger Oldenettel	202-093	3138
7590	09/16/2004		EXAMINER	
Walter Ottesen Patent Attorney P.O. Box 4026 Gaithersburg, MD 20885-4026			SY, MARIANO ONG	
			ART UNIT	PAPER NUMBER
			3683	

DATE MAILED: 09/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/693,495	OLDENETTEL ET AL.
	Examiner	Art Unit
	Mariano Sy	3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
 THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 19 August 2004.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-11 is/are pending in the application.  
 4a) Of the above claim(s) 3-6 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1,2,7 and 8 is/are rejected.  
 7) Claim(s) 9-11 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>10272003</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

1. Applicant's election of Specie B, fig. 2, claims 1, 2, and 7-11 in the reply filed on August 19, 2004 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 7, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Geno (U.S. Patent Number 4,718,650).

Re-claim 1 Geno disclosed, as shown in fig. 1-7, a rolling-lobe air spring comprising: a cover 2; a roll-off piston 3; a rolling-lobe flexible member 30 having a first end portion connected to said cover and a second end portion connected to said roll-off piston; and a support bell 15 supporting said rolling-lobe flexible member at said first end portion and being rigidly connected to said cover.

Re-claim 2 Geno disclosed wherein said cover and said support bell are two individual parts but are configured as a single integral structure after the individual parts are fastened together as a single integral structure. In re Kohno (CCPA) 157 USPQ 275 and In re Hotte (CCPA) 177 USPQ 326.

Re-claim 7 Geno disclosed, as shown in fig. 1-7, wherein said support bell has an open end facing away from said cover and toward said roll-off piston and said support bell further having a cylindrical cross section adjacent said cover and said support bell being configured to expand elliptically in cross section toward said open end.

Re-claim 8 Geno disclosed, as shown in fig. 1-7, wherein said rolling-lobe flexible member having a maximum diameter; and said support bell being disposed outside of said rolling-lobe flexible member and extending from said first end portion over the upper region of said rolling-lobe flexible member up to approximately said maximum diameter.

4. Claims 1, 7, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Thurow et al. (DE 4325576 A1).

Re-claim 1 Thurow et al. disclosed, as shown in fig. 1, a rolling-lobe air spring comprising: a cover 15; a roll-off piston 34; a rolling-lobe flexible member 11 having a first end portion connected to said cover and a second end portion connected to said roll-off piston; and a support bell 24 supporting said rolling-lobe flexible member at said first end portion and being rigidly connected to said cover.

Re-claim 7 Thurow et al. disclosed, as shown in fig. 1, wherein said support bell has an open end facing away from said cover and toward said roll-off piston and said support bell further having a cylindrical cross section adjacent said cover and said

support bell being configured to expand elliptically in cross section toward said open end.

Re-claim 8 Thurow et al. disclosed, as shown in fig. 1, wherein said rolling-lobe flexible member having a maximum diameter; and said support bell being disposed outside of said rolling-lobe flexible member and extending from said first end portion over the upper region of said rolling-lobe flexible member up to approximately said maximum diameter.

5. Claims 9-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Geno et al. (U.S. Patent Number 4,712,776) disclosed an air spring suspension system. Harris (U.S. Patent Number 4,852,861) disclosed an end cap assembly for air spring. Gubitz (U.S. Patent Number 5,636,831) disclosed a shock absorber and pneumatic spring assembly.

Weitzenhof et al. (U.S. Patent Number 6,637,733 B1) disclosed an air spring.

Ienaka et al. (JP-6-17867 A) disclosed an air spring with height adjusting.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mariano Sy whose telephone number is 703-308-3427. The examiner can normally be reached on Mon.-Fri. from 9:00 A.M. to 3:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder, can be reached on 703-308-3421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*msy* M. Sy

September 7, 2004

*M. C. Graham*  
9/9/2004  
MATTHEW C. GRAHAM  
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GROUP 310